

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

WILUS INSTITUTE OF STANDARDS  
AND TECHNOLOGY INC.

v.

HP INC.

WILUS INSTITUTE OF STANDARDS  
AND TECHNOLOGY INC.

v.

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC.

WILUS INSTITUTE OF STANDARDS  
AND TECHNOLOGY INC.

v.

HP INC.

WILUS INSTITUTE OF STANDARDS  
AND TECHNOLOGY INC.

v.

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC.

WILUS INSTITUTE OF STANDARDS  
AND TECHNOLOGY INC.

v.

ASKEY COMPUTER CORP., ASKEY  
INTERNATIONAL CORP.

WILUS INSTITUTE OF STANDARDS  
AND TECHNOLOGY INC.

v.

ASKEY COMPUTER CORP., ASKEY  
INTERNATIONAL CORP.

Case No. 2:24-cv-00752-JRG-RSP  
(Lead Case)  
**JURY TRIAL DEMANDED**

Case No. 2:24-cv-00746-JRG-RSP  
(Member Case)

Case No. 2:24-cv-00764-JRG-RSP  
(Member Case)

Case No. 2:24-cv-00765-JRG-RSP  
(Member Case)

Case No. 2:24-cv-00766-JRG-RSP  
(Member Case)

Case No. 2:24-cv-00753-JRG-RSP  
(Unconsolidated Case)

**PLAINTIFF’S UNOPPOSED MOTION TO CONSOLIDATE**

Plaintiff Wilus Institute of Standards and Technology Inc. (“Plaintiff”), with the agreement of Defendants HP Inc., Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Askey Computer Corp., and Askey International Corp. (collectively, “Defendants”), hereby respectfully moves to consolidate the *Wilus Institute of Standards and Technology Inc. v. Askey Computer Corp., et al.*, Case No. 2:24-cv-00753-JRG-RSP (the “Askey -753 Case”) with *Wilus Institute of Standards and Technology, Inc. v. HP Inc.*, Case No. 2:24-cv-00752-JRG-RSP (Lead Case) (the “HP -752 Lead Case”). There is good cause for this motion, as set forth below.

In September 2024, Plaintiff filed six cases, two each against HP, Samsung, and Askey. On October 23, 2024, the Court consolidated five of the six cases, except the Askey -753 Case. *See, e.g.*, HP -752 Lead Case, Dkt. No. 14. The Askey -753 Case, as well as one case each against HP and Samsung, asserts infringement of, inter alia, U.S. Patent No. 10,313,077 (the “’077 Patent”). *See* Askey -753 Case, Dkt. No. 1; HP -752 Lead Case, Dkt. No. 1; *Wilus Institute of Standards and Technology Inc. v. Samsung Electronics Co., Ltd., et al.*, Case No. 2:24-cv-00746-JRG-RSP (Member Case), Dkt. No. 1.

The set of five consolidated cases (HP -752 Lead Case) is in its early stages. The Court held a scheduling conference on November 7, 2024, and the parties have yet to file the requisite proposed orders, exchange disclosures, and exchange contentions. HP -752 Lead Case, Dkt. Nos. 15, 20.

Federal Rule of Civil 42(a) provides that the Court may consolidate actions if they “involve common questions of law or fact.” Consolidation is also appropriate where it would be more efficient and conserve both the resources of the court and the parties. *See The*

*Phelan Group, LLC v. Mercedes-Benz AG*, Case No. 2:23-cv-00607-JRG (Lead Case), Dkt. No. 30 (E.D. Tex. Jul. 11, 2024).

Consolidation of the Askey -753 Case with the HP -752 Lead Case for all pretrial issues is warranted. The Askey -753 Case and the HP -752 Lead Case involve many common issues of law and fact. The HP -752 Lead Case and *Wilus Institute of Standards and Technology Inc. v. Samsung Electronics Co., Ltd., et al.*, Case No. 2:24-cv-00746-JRG-RSP (Member Case) both involve a common asserted patent as the Askey -753 Case. Moreover, *Wilus Institute of Standards and Technology Inc. v. Askey Computer Corp., et al.*, Case No. 2:24-cv-00766-JRG-RSP (Member Case) involves the same parties as the Askey -753 Case. Consolidation is also more efficient and will avoid wasting party and judicial resources by streamlining proceedings. As just one example, consolidation avoids duplicative Claim Construction hearings concerning the '077 Patent.

Accordingly, Plaintiff respectfully requests that the Court consolidate the Askey -753 Case with the HP -752 Lead Case for all pretrial issues and place the Askey -753 Case on the same schedule effective in the HP -752 Lead Case, including the deadlines for exchanging contentions.

Respectfully submitted,  
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**ATTORNEYS FOR PLAINTIFF,  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service November 19, 2024.

/s/ Neil A. Rubin

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that pursuant to Local Rule CV-7(h) counsel for Plaintiff has conferred with counsel for Defendants and Defendants are unopposed to the relief sought in this motion.

/s/ Neil A. Rubin